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6 **UNITED STATES DISTRICT COURT**
7 **WESTERN DISTRICT OF WASHINGTON**
8 **AT SEATTLE**

9 ISAAC KINGSLEY ASUAMAH THOMSON,

NO. C09-1218-RSM-JPD

10 Petitioner,

11 v.

REPORT AND
RECOMMENDATION

12 A. NEIL CLARK, Field Office Director,
13 U.S. Immigration and Customs
Enforcement,


14 Respondent.
15

16 On August 26, 2009, petitioner filed a pro se petition for writ of habeas corpus pursuant
17 to 28 U.S.C. § 2241, challenging his detention by the U.S. Immigration and Customs
18 Enforcement (“ICE”). (Dkt. No. 6.) However, on January 15, 2010, respondent submitted a
19 status report and documentation indicating that petitioner voluntarily departed the United
20 States on November 30, 2009. (Dkt. No. 16, Ex. A.) Respondent asserts that because
21 petitioner is no longer in ICE custody, this habeas corpus proceeding has become moot and
22 should be dismissed. *Id.*
23

24 For a federal court to have jurisdiction, “an actual controversy must exist at all stages of
25 the litigation.” *Biodiversity Legal Foundation v. Badgley*, 309 F.3d 1166, 1173 (9th Cir.
26 2002). “When a controversy no longer exists, the case is moot.” *Id.* Because petitioner is no

1 longer detained by ICE, the Court finds that petitioner's habeas petition should be dismissed as
2 moot. *See, e.g., Cooney v. Edwards*, 971 F.2d 345, 346 (9th Cir. 1992) (holding that the
3 District Court properly dismissed plaintiff's claims that had become either moot or unripe).
4 Accordingly, I recommend that this action be dismissed. A proposed Order accompanies this
5 Report and Recommendation.

6 DATED this 19th day of January, 2010.

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9 JAMES P. DONOHUE
United States Magistrate Judge